



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

MEMO ENDORSED

June 9, 2008

By Facsimile

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2260
New York, New York 10007-1312

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 6-10-08

Re: United States v. Martin S. Bodner
08 Cr. 282 (PKC)

Dear Judge Castel:

In advance of the conference currently scheduled for Wednesday, June 11, 2008, at 9:45 a.m., the Government writes to inform the Court regarding the status of the above-referenced case.

The parties continue to work towards a resolution of the charges contained in the Information. The parties have largely agreed upon a disposition of the charges in the Information and what remains is to complete an agreement concerning the forfeiture by the defendant of various assets. The parties are currently in the process of resolving several factual questions regarding the amount of what the Government contends are fraud proceeds that were invested in various properties. The parties continue to believe that a negotiated resolution will render unnecessary substantial forfeiture-related litigation before the Court.

The parties are prepared to appear before the Court on June 11. However, should the Court believe the conference unnecessary, in light of the update set out above, the parties would then request that the Court set a date during the second week of July 2008 for a further proceeding, at which time the parties expect the defendant to enter a guilty plea.

Should the Court adjourn next conference, the Government requests that, pursuant to 18 U.S.C. § 3161(h)(8)(A), the Court exclude time between June 11, 2008, and the

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next conference set by the Court and submits, based on the foregoing, that the ends of justice served by the granting of an requested exclusion outweigh the best interests of the public and the defendant in a speedy trial.

Based on my correspondence with Matthew I. Menchel, Esq., counsel to the defendant, who has reviewed this letter in draft form, I can represent that the defendant does not object to an exclusion of time under the Speedy Trial Act.

The next conference will be July 15, 2008 at 9:30am. The need for a continuance for the reasons stated in the letter outweigh the best interests of the defendant and the public in a speedy trial. Time excluded until date of next conference, June 11 conference is vacated.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

By:

[Signature]
Daniel W. Levy
Assistant United States Attorney
Telephone: (212) 637-1062

SO ORDERED:

[Signature], USOJ.

The Honorable P. Kevin Castel

6-9-08

Next conference scheduled for:

[Handwritten line] at *[Handwritten line]* a.m./p.m.
Date Time

cc: (by facsimile)

Steven G. Kobre, Esq.
Matthew I. Menchel, Esq.
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